

AGENDA REQUEST
BUSINESS OF THE AIRPORT COMMISSION
CITY OF SUGAR LAND, TEXAS

AGENDA OF: 02/08/05 DEPT. OF ORIGIN: DEVELOPMENT SVCS REQ. NO. IV A

DATE SUBMITTED: 02/04/05

ORIGINATOR: JIM CALLAWAY, DEVELOPMENT SERVICES DIRECTOR 

SUBJECT: AMENDMENT OF AIRPORT ZONING REGULATIONS

PROCEEDING: PUBLIC HEARING, REVIEW AND DISCUSSION

EXHIBITS: EXHIBIT A -DRAFT PROPOSED AMENDMENTS

APPROVED FOR SUBMITTAL:

JIM CALLAWAY, DEVELOPMENT SERVICES DIRECTOR 

EXECUTIVE SUMMARY:

Three recent Workshop discussions focused on proposed amended and new Airport Zoning Regulations. These discussions were held on:

- December 14, 2004
- January 11, 2005
- January 27, 2005

The discussions before the Airport Commission have focused on:

- Current administration of airport regulations by the Joint Airport Zoning Board;
- The Planning and Zoning Commission's role as Airport Commission in adopting new and/or amended Airport Zoning Regulations;
- Administration of Airport Zoning Regulations
 - Airport Land Use Compatibility Zoning Map
 - Airport Hazard Zoning Map
- Role of the Airport Zoning Board of Adjustment

The following is a summary of steps in the airport regulation adoption/amendment process:

1. City Council appoints the Planning and Zoning Commission as the airport zoning commission (AZC). § 241.016 (a).
CITY COUNCIL RESOLUTION 04-42 (APPROVED 11/16/04)
2. The AZC prepares a preliminary report on the proposed airport zoning regulations. § 242.016 (c) (THE DRAFT AMENDMENTS)
3. The AZC holds a public hearing on the preliminary report. § 241.016 (c)
4. The AZC submits a final report on the proposed regulations to the Council § 241.017 (a)
5. City Council holds a public hearing on the proposed regulations. § 241.017 (b).
6. City Council approves ordinance adopting zoning regulations on first consideration (and repealing ordinance creating joint airport zoning board).
7. Council adopts ordinance adopting zoning regulations on second consideration (and repealing ordinance creating joint airport zoning board).
8. Newland Communities can submit rezoning applications for conventional land use zoning and adjustments in airport compatibility zoning in accordance with the latest approved General Plan. Final plats and zoning changes should be considered only after Newland has filed the required avigation easement for record in accordance with the provisions of the Development Agreement.

PUBLIC HEARING:

The Notice of Public Hearing was published in a newspaper of general circulation as required by state law. The notice of public hearing was posted on the City of Sugar Land's internet home page. We have received no inquiries regarding the proposed amendments.

RECOMMENDED ACTION:

We recommend that the Planning and Zoning Commission conduct a Public Hearing in accordance with the Local Government Code.

Exhibits:

EXHIBIT A - Draft Amendments

EXHIBIT A
SUMMARY OF AMENDMENTS
TO
AIRPORT ZONING REGULATIONS

1. The title is proposed to be amended to read:

Chapter 9 SUGAR LAND REGIONAL AIRPORT ZONING REGULATIONS

2.. ARTICLE I. GENERAL PROVISIONS is amended to include the following new or amended definitions:

Airport means the Sugar Land Regional Airport.

Airport Zoning Commission means the Sugar Land Planning and Zoning Commission.

City Council means the Sugar Land City Council

Hazard Zoning Map means the map adopted as part of this article (Exhibit A) , showing the height hazard zones established by these regulations.

Non-precision Instrument Runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned.

3. Under ARTICLE III. COMPATIBLE LAND USE ZONING REGULATIONS,

Sec. 9-13. Land Use Zoning Districts Established is proposed to be amended to read:

(a) To promote compatibility between the airport and the surrounding land uses, to protect the airport from incompatible encroachment, and to promote the good health, safety, and general welfare of property users, the following airport zoning districts are established for portions of the land located within the airport's controlled compatible land use area. These districts apply to land located within the corporate limits and the extraterritorial jurisdiction of the City of Sugar Land. For land located within the corporate limits of the City of Sugar Land, these districts shall overlay and provide additional regulations to conventional land use zoning districts established under Chapter 2 of this Code. In the event of conflicting regulations between land use compatibility overlay zoning and conventional land use zoning, the more restrictive of the two regulations shall apply. The airport zoning districts are as follows:

Sec. 9-15. Plat Notification Requirements is proposed to be amended to read as follows:

(a) All plats approved by the City of Sugar Land for any real property located in airport zoning district 1 or 2 will contain a statement similar to the following:

The property shown in this plat is located in a compatible land use zoning district established by the Sugar Land City Council. All residential uses and some nonresidential uses are prohibited in the district. Any person proposing to construct improvements or make use of the land included in this plat should contact the City of Sugar Land to determine whether the proposed improvements or use are allowed.

(b) Any plats approved by the City of Sugar Land for any real property located in the ANID will contain a statement similar to the following:

The property shown in this plat is located within the airport noise impact district (ANID) established by the Sugar Land City Council. Decisions on the use of land located in the ANID should carefully consider the impact of noise from airport operations on the land use. Any buildings constructed for human use or occupancy on the property should include noise attenuation measures.

Sec. 9-17. Airport Zoning Map is proposed to be amended to read as follows:

The location and boundaries of the districts are shown on the airport zoning map, which is adopted herein by reference. The department is responsible for custody of the airport zoning map and will promptly make any changes thereon approved by the City Council. The provisions of an order establishing a district, amending a district classification, or amending a district boundary, controls over any conflicting information shown on the airport zoning map.

Sec. 9-19. New and Unlisted Uses is proposed to be amended to read as follows:

If the department determines that a proposed use is not a listed use or there is some ambiguity of its proper classification under the land use matrix, the department will request that the City Council, based on the department's report listing the nature of the use, consider the proposed use and its compatibility with the airport and make a determination as to the district or districts within which the use should be located. The City Council's determination must be enacted in accordance with the procedures for amending these zoning regulations.

Sec. 9-20. Zoning Amendments is proposed to be amended to read as follows:

The following procedures apply to any change in a zoning boundary or district classification for any land:

(a) Initiation. A rezoning may be initiated by the airport director, the department, by the Airport Commission, City Council, or by the landowner filing an application with the department. The fee for filing the application shall be the same as required for filing an application for a change in zoning in a City district classification.

(b) The Airport Zoning Commission shall recommend the boundaries of the zones to be established, amendments to the boundaries and amendments to the regulations for these zones. The commission shall make a preliminary report and hold public hearings on the report before submitting a final report.

(c) Before the 15th day before the date of a public hearing before the Airport Zoning Commission, notice of the hearing shall be published in the City's official newspaper.

(d) An airport zoning regulation, amendment or change in zone boundary may not be adopted except by action of the City Council after the City Council holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard.

(e) The City Council may not hold a public hearing or take other action concerning an airport zoning regulation until it receives the final report of the Airport Zoning Commission.

(f) Before the 15th day before the date of a hearing before the City Council, notice of the hearing must be published in the City's official newspaper.

(g) Action. After the close of the public hearing, the City Council may approve or deny the request, or take whatever other action the City Council deems appropriate.

(h) Reconsideration. An application for a change in zoning district classification that is denied by the City Council may not be again submitted for filing with the department within six months of the original date of filing, except upon the consent of the City Council.